

REMARKS

Amendments to claims 1, 14, 32-36, 40, and 54 are for the purpose of clarifying what Applicants regard as the invention. No new matter has been added.

I. **CLAIM REJECTIONS UNDER U.S.C. § 102/103**

Claims 1-9, 11, 14-58, 60-63, 65, and 66 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,405,257 (Gersht).

Applicants wish to thank the Examiner for conducting the interview on April 20, 2005. During the interview, it was agreed upon that the above claim amendments would distinguish the claimed subject matter from Gersht, and overcome the § 102 rejection. In particular, Applicants note that Gersht does not disclose or suggest executing a workload on a single node before the workload is sent to a plurality of nodes for execution, and tracing the execution of the workload to identify a potential data conflict, as recited in each of claims 1, 14, 32-36, 40, and 54. Rather, Gersht discloses a method for controlling congestion in an IP network by using a source node to control external traffic directed to the source node. Particularly, the source node of Gersht is configured to detect a burst, identify predetermined routes based on peak packet rate, service class, and quality of service requirements of the detected burst, and admits the detected burst onto the identified predetermined routes (Abstract, column 1, line 60 to column 2, line 41). As such, the source node of Gersht does not itself execute a received workload, even less, execute a workload *before the workload is sent to a plurality of nodes for execution*. Further, the method of Gersht does not include the step of tracing the execution of the workload (wherein the workload is executed at the single node before it is sent to a plurality of nodes for execution) to identify a potential data conflict. Nor does Gersht disclose or suggest predicting the behavior of the workload across a plurality of nodes based on a result of the tracing (as recited in claims 1, 36, and 40), forming a workload distribution scheme that distributes the workload across a plurality of nodes based on a result of the tracing (as recited in claims 14, 33, and 34), and optimizing the distribution of the workload across a plurality of nodes based on a result of the tracing (as recited in claims 32, 35, and 54), wherein the tracing is performed for the workload that is executed on a single node before the workload is sent to a plurality of nodes for execution.

For at least the foregoing reasons, claims 1, 14, 32-36, 40, 54, and their respective dependent claims, are allowable over Gersht.


CONCLUSION

Based on the foregoing, all claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **OI7011112001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **OI7011112001**.

Respectfully submitted,
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